

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims replaces all prior versions, and listings, of claims in the application. Reconsideration in light of the following remarks is respectfully requested.

Claim Amendment

Claim 1 has been amended to correct an inadvertent spelling error. This amendment has no effect on the scope of the claimed subject matter and therefore entry is requested.

Rejection under 35 USC § 103

The rejection of claims 1-15 under 35 USC § 103(a) as being unpatentable over Barry in view of newly cited Lawande et al., is respectfully traversed.

In this rejection it is advanced that the unnumbered "interact infrastructure" shown in Fig. 7 is the claimed "common logical network layer" that provides network connectivity and enforces individual access policy of each cell of the plurality of cells, and wherein each cell is connected to the common logical network layer. The rejection also cites and column 18, lines 30-60 as supporting this position. The rejection goes on to assert that the "interact infrastructure" is connected to the OE sever data base which includes security information and user access information.

However, cited column 18, lines 30-60 discloses:

The OE server 39 further maintains a **database 160** for
storing all the users registered with the system of the
present invention, and their security information such
as passwords and application entitlements and
hierarchies describing the user's access privileges to
specific application services/sub-services which may
be requested by other application servers and clients in
the network. Generally, the hierarchies are customer-
defined during the order entry process, and describe the
subdivision of calls into nodes arranged in a n-way tree.
The back-end servers in the system of the present
invention apply the hierarchy definitions to their data at

report time when generating reports, typically as queries on a node-by-node basis to the result data set which was extracted using any other criteria supplied. The trees of the hierarchies have essentially arbitrary complexity, i.e., the number of nodes is unlimited. Each node is assigned calls according to a template of conditions. Conditions may be defined as a combination of one or more factors such as account codes, and location/node identifiers, etc. These filters may be applied at any node in the tree. The hierarchies may be applied as both selection criteria (e.g., "report on all calls at these nodes or their descendants", in combination with other criteria) and roll-up targets (e.g., group the results in this report at this level in the tree). These entitlement and hierarchies may be modified via the OE client application 154 executed at the customer workstation 20.

While the interact infrastructure is connected to the server 39, it is submitted that the hypothetical person of ordinary skill would not consider it being connected to the database 160 in the manner wherein the interact infrastructure would itself have free access to the data store in the database 160 let alone be disclosed as being able to implement the cited functions in the manner purported. That is to say, the rejection takes the position that plurality of cells are shown in Fig. 7 and identified as elements 39, 30 and 159.

However, while the System Admin Server 39 is connected to the interact infrastructure, none of the other elements – e.g. 30 and 159 are directly connected thereto, and there is no disclosure that would indicate that they are in fact connected to the interact infrastructure in the manner that would meet the claimed requirement of:

a common logical network layer providing network connectivity and enforcing individual access policy of each cell of the plurality of cells, wherein each cell is connected to the common logical network layer.

(Emphasis added)

Indeed, the tenor of the Barry et al. disclosure is that it is the System Admin Server 39 which is placed in control as different from the interact infrastructure. Note should be had to the fact that the interact infrastructure (per se) is not referred to once in the disclosure of Barry et al.

It is submitted that the logic of the § 102 rejection has been carried forward into a § 103 rejection without regard to the fact that it is now required that the hypothetical person of ordinary skill now review this reference and conclude that the elements are connection in the manner which is advanced in this rejection.

A rejection under § 102 can rely on semi-irrational readings of claims on disclosed structure. However, in a § 103 rejection this is no longer possible. In accordance with the § 103 statute it is no longer possible to merely look to a schematic diagram and read claimed structure thereon with disregard as to what a hypothetical person of ordinary skill would understand to in fact be disclosed. That is to say, while the interact infrastructure is connected to the System Admin Server, and the System Admin Server is connected to the database 160, the existence of a connection via which the interact infrastructure could access the data in the database and apply it in the claimed, is not to be found/suggested in the Barry et al. reference

In order to establish a *prima facie* case of obviousness, it is necessary to show that the hypothetical person of ordinary skill would, without any knowledge of the claimed subject matter and without any inventive activity, be motivated to arrive at the claimed subject matter given the guidance of the cited references when each is fully considered as statutorily required.

It is submitted that there is nothing in the Barry et al. reference that would suggest that the interact infrastructure has the ability to function as the claimed common logical network layer. Indeed, as noted above, the written disclosure of the Barry et al. reference does not even mention the interact infrastructure.

Even the arrangement shown in Fig. 2 of Lawande et al. does not disclose a common connection between each of the cells 34, 36, 38 and 39. This would not, therefore, suggest to the hypothetical person of ordinary skill to provide a common logical network layer which is connected to all of the cells and which would provide a

connection to the to stacked cells in a manner which permits cells to be added or deleted without impacting the other cells composing the stack.

The teachings of the Barry et al. and Lawande et al. references, therefore, would not lead the hypothetical person of ordinary skill to the claimed subject matter.

Conclusion

It is respectfully submitted that a prima facie case of obviousness has not been established. Favorable reconsideration and allowance of this application are respectfully requested.

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